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OFFICE_____

STATION_____

No. 1886

Dated 3-9-30

in the file [illegible]

(SUBJECT.)

P52 cmb
1625

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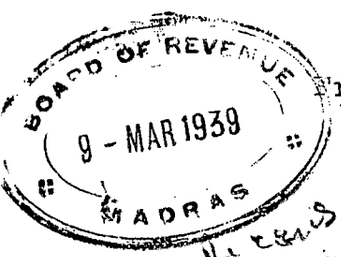
Ref.A2.No.5417/37. South Kanara Collector's Office,

Mangalore, 7th March 1939.



From

Sri Diwan Bahadur M. V. Vellodi, B.A.,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue & Settlement,

M a d r a s.

Sir,

Security - Shroff, Taluk Office, Puttur - Ammu Shetti, K. - Instructions - solicited.

*****

K. Ammu Shetti, Shroff, Taluk Office, Kasargod was transferred to the Taluk Office, Puttur, on 26.7.1933. It was thereafter detected that the security bond furnished by him at Kasargod in 1927 was defective, the penal sum having been mentioned therein as Rs.700/- instead of Rs.1,400/- as required by B.P.236 L.H., dated 6.10.1908. He, however, furnished a fresh bond at Puttur and got it registered. But this bond was also found legally ineffective on account of certain material defects. Thereupon the Shroff was asked to execute a fresh bond. As this bond was not forthcoming he was given time and extension of time on several occasions as prayed for by him. As he could not furnish adequate security inspite of the time allowed to him, his pay was ordered to be withheld by me in June, 1938. Thereafter, he ---- offered to furnish a fidelity bond and he was permitted to do so, but he did not take effective steps towards it, but on the other hand, there was an indication that he was deliberately evading the execution of Security Bond in question. Therefore I placed him under suspension on 20.11.1938. The Shroff's attempt thereafter to furnish the fidelity bond met with failure as the ------ company concerned refused to undertake the risk of furnishing the fidelity bond. This was in the middle of January 1939. The Shroff retired from service on 22.1.1939.

2. The Shroff worked in the Taluk office, Puttur from 1933 till November 1938 until he was placed under suspension. This period was not satisfactorily covered by an adequate security. Apparently, the Shroff could not furnish the requisite security because he had neither the means to do it nor could find a fit person to stand security for him. Now, however, as the Shroff has retired from service I feel ----- inclined to revoke the order of the suspension, as otherwise the Shroff may not be eligible for his pension. I do not think the circumstances justify the awarding of a punishment which will materially affect him to this extent all the rest of his life. The bond executed by the Shroff at Kasargod in 1927 seems to be still in force as the period of limitation for the enforcement of claims under the terms of such security bond is held to be sixty years, please see B.P.Roulane 1243, dated 26.3.1935.

I solicit orders whether this view is correct and whether the bond executed by the Shroff at Kasargod in 1927 is operative for duties of Shroff at Puttur, and if so, whether the question of getting a fresh bond may now be dropped.

3. The security bond is enclosed.

For Collector.

7.3.41.

C3756

Ref.A2.No.5417/37

South Kanara Collector's Office,
Mangalore, 25th May 1939.

From

Sri Diwan Bahadur M. V. Vellodi, B.A.
Collector of South Kanara.

9

To

The Secretary,
Board of Revenue,
M a d r a s.

Sir,

Security - Shroff - Taluk office, Puttur - Ammu Shetti(K)
Instructions solicited.

Reference: This office Ref.A2.No.5417/37, dated 7.3.1939

OFFICE OF THE BOARD OF REVENUE
29 MAY 1939
MADRAS

*****

I request the favour of orders on my report quoted above.

For Collector.

26.5.39

M.D'S.25/5.

Mr. P.W.S C.F.16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..	9.6	
When copied ..	9/6	
When examined.	9.6	
When signed	9/6	
When despatched.		

DESPATCHED 9 JUN 1939

SUBJECT:— Treasury - (S. Kanara) - Taluk Office, Puttur - Amount Sheriff, K. - Surety - Security - Orders requested

READ AGAIN ..... dated ..... 19.....

" " ..... " ..... 19.....

READ *ALSO*:—

C No. 1625/39 From the Govt of S. Kanara, No. Ref A2-5417/37 dated 7-3-39 — A Mr 1-2 cf 19.....

" ..... " ..... " ..... " ..... 19.....

" ..... " ..... " ..... " ..... 19.....

Order / Resolution / Ms. / Rout. No. ....., dated Ref:- C 1625/39-1 dt 9-6-1939.

Reply to T.M. with copy Sent. Mr 1-2 cf 15-6-39

Submitted to the Govt.

2. The Board considers that even though the bond executed by the Surety in 1927 may be held to apply to the duties performed by him as Surety in the Taluk Office, Puttur, ~~it was materially defective in that~~ by virtue of the proviso in the last sentence of ~~the~~ it it was materially defective in that the penal sum was exceeded as Rs 700/- only instead of double the

Mr 2 (IV)

9/6

the amount of the security, viz Rs 1,400 as required in BP. 236 (L.R) dt 6-10-1908, and that the Shroff should therefore be required to execute a fresh bond embodying the correct penal amount. As the Shroff could not, ~~however~~, furnish a sufficient security and has since retired, the Board recommends that the question of obtaining a fresh bond from him may be considered to be dropped.

p 5 of (E)

3. The Collector placed the Shroff, under suspension on 20-11-1938. But failure to furnish adequate security does not justify inflicting of ~~a forfeiture proposed~~ a penalty under the Madras Subordinate Services Penalties & Appeals Rules ~~forfeiting disciplinary action~~. On the receipt of the orders of the Govt on paragraph 2 above the Board will issue orders setting aside the Collector's order placing the Shroff under suspension.

H 24 p 1 Cy

Do. The Secy to the Govt R D with a bond to the effect

(* (N) to the Govt only)

KP. 6/6/39 MM 26/39

5 / Mr Rws

DRAFT

AS (IR)

Treasury (S Kanara)

Sub-treasury Uttara - Shri Bb Annam Shetti (K) - Security bond — Instructions

10.6 13.6

13.6

C. 3756/39 - From the Collr, S. Kanara. Ref A2. 5417/37 dt 25-5-39 Q

JUN 1939

Ref: C. 1625/39-2 dt 10-6-39

The Collr is informed that the Govt have been addressed in the matter and that their orders are awaited.

9/6/39 9/6/39

9/6

To the Collr of S. Kanara

O.W.

The connected file in which a draft reference to Govt, was given for issue separately today.

9/6/39 9/6

9/6

4 Dis Revs

DRAFT

Treasury (S. Kanara)

Taluk Office, Buttur — Shroff Ammu Shetti, K — Defective Security executant Obtaining of a fresh bond — Orders passed — G.O. commund

8.7 — 14.7

p1 cf — C 1625/39. From the Coll of S. Kanara Ref A 2: 5417/37 & 7-3-39 } C

p3-4 cf — Bdi Proc No C 1625/39-1 & 9-6-39-A para 2 only

p7 cf — C 4774/39. G.O No Ms 1607 Revs & 28.6.39 — A

Res Mis 1886 & 8.7.39

Communicated to the Coll of S. Kanara.

12
5.7.39 2. The Board observes that Sh Thi the Shroff was placed under suspension by the Collector on 20.11.1938. But failure to furnish adequate security does not justify the infliction of a penalty under the Madras Subordinate Services (Penalties and Appeals) Rules. The Collector's order suspending the Shroff was placed under suspension is therefore set aside.

kp 6.7.39. Sh 7.7.39

To the Coll of S. Kanara with a security bond and its endrs. returned.

By order &c

Secy

Send by

Revs Mis 1886/39

NOTE FILE

AS(LR)
Dir of Secy
Med 15/5
4/5/39

Treasury (S. Kasaragod) - Petn. of
taluk Sheriff - Ammu Shetti, K -
Security - Instructions -

C. 167/39. From the Collector
S. Kanara Rly A2. 5401/39
& 7-3-39

Pp 1-2 of papers in the file.

BP. 140 Mrs 8.17-1-38 (W)
1243 Rl. 26-3-35 (J)
236 Pms. 6-10-08. (E)
1783 Mrs. 24.6.29.
144 P. 23.5.07

AS (LR)

Pp 1-1 of 1 pf

The Collr of S. Kanara has submitted the following case for the orders of the Board:

One K. Ammu Shetti, who was employed as Sheriff in the taluk office Kasaragod, had was transferred to Taluk office Puttur on 26.7.33. As the security bond furnished by him as Sheriff in the taluk office, Kasaragod was found to be defective, he was asked to execute a fresh bond. The Sheriff furnished a fresh bond which was also found legally ineffective on account of certain unattested alterations. The Sheriff was could not furnish adequate security, even though he was granted several extensions of time and he was finally placed under suspension on 20-11-38. Subsequently, however,

para 4 (N)

of immovable property while he was at Kasargod. But for the fact that the penal sum to be specified in the bond was entered as Rs.700/- instead of double the amount of the security, viz Rs 1,400/-, the bond executed by the Sheriff was in order and was operative so long as he continued to be employed as Sheriff or in any other office in the same dt. or in any other dt., by virtue of the proviso in the last sentence of the bond. The penal sum referred to above was evidently intended as a safeguard to enable the Govt to recover a larger amount in the event of breach of the conditions of the bond. This provision was originally prescribed by the Bar on the suggestion made by the Govt Solicitor following the legal custom adopted in such cases. As the bond was not operative in this respect, it would appear that a fresh bond embodying the execution of the penal sum of Rs 1,400/- is necessary. But in view of the fact that as the Sheriff has since retired and bond is

para 4, p 5 (E)

ASLR

J.P. No. Mu 1886

Dated 8.7.39

Single Member.

~~Two Members~~.

~~Full~~ Board.

I-A | A.D.S. & L.R. | Asst. Secretary. Land Sett. Rev. | Sep. Rev. | J.S. Secy.

---

(1) Open file seen by

(2) Final draft seen by

(3) Now circulated t

(4) Initials

Passed for record.

Secretary.
~~Joint Secretary.~~

~~A.S. (C.T.)~~

A. S.(L.R.)

~~A.S. (Sett.)~~

A.S. (Excise)

A.D.S. & L.R.

~~I-A.~~

Note:- Entries not required to be scored out.